

position inside the cylindrical barrel (5) of the sleeve (4) of the microinjector (1);

- rotating the driving means to advance the syringe plunger (12) in a downward axial direction through the syringe barrel (7) thereby aspirating and depositing a portion of the contents of the syringe barrel (7) through the side port holes (15A),(15B) of the cannula (2);
- rotating the guide nut (8) to effectively withdraw the syringe (3) and cannula (2) in an upward axial direction at a predetermined distance away from a previous neural target site; and
- repeating steps involving rotating the driving means to deliver a portion of the contents of the syringe barrel (7) and rotating the guide nut (8) to reposition the cannula (2), thereby resulting in sequential delivery of multiple portions of the contents of the syringe barrel (7) in a three-dimensional spiral array per single trajectory at a predetermined neural target site.

37. (Previously Presented) The method according to Claim 36, characterized in that the driving means comprises a plunger driver (11) and a drive nut (10).

REMARKS

Currently claims 1-37 are pending. Claims 1 and 20 are currently amended.

Claims 1 and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Desai, United States Patent No. 6,461,296 (hereinafter '296). The Patent Office takes the position that Desai '296 discloses each and every feature of the claimed invention and refers to Figure 19A and Figures 10-13 of Desai. Respectfully, applicant does not agree that Desai '296 is a reference as defined under 35 U.S.C. §102(e). Thus, applicant requests all rejections based on Desai '296 be withdrawn.

Desai '296 was filed on February 22, 2000 and claims priority under 35 U.S.C. §120 as a continuation-in-part of US Patent No. 6,231,591 to Desai (hereinafter '591) which was filed on June 26,

1998. In contrast, the present application was filed on March 11, 2002 and claims a priority under 35 U.S.C. §365 based on Canadian application 2,282,007 and PCT/CA00/00614 having an effective filing date of September 9, 1999.

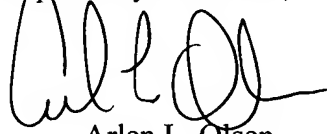
In order for Desai '296 to be used as a reference with an effective filing date of June 26, 1998, the '591 reference it must disclose applicants claimed invention. It does not. For example, Desai '591 does not disclose, Figure 19A which teaches the claimed limitation of "incremental depression of a plunger".

Claims 9-14 were rejected under 35 U.S.C. §103 as being unpatentable under Desai '296. Since Desai'296 is not a reference, applicant also requests withdrawal of these rejections.

Applicant appreciates the Examiner's indication of allowable subject matter of claim 2-7 and 15-37.

Favorable action constituting allowance is solicited.

Respectfully submitted,



Arlen L. Olsen

Date: June 16, 2004

Reg. No. 37,543
SCHMEISER, OLSEN & WATTS
3 Lear Jet Lane, Suite 201
Latham, N.Y. 12110
(518) 220-1850